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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,162	05/30/2000	David J. Kinsella	KINS:002USC2	2090

7590

01/02/2002

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EXAMINER

BALI, VIKKRAM

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 01/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/584,162

Applicant(s)

Kinsella

Examiner

Vikram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 9, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7-24, 49-61, and 67-81 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-24, 49-58, 60, 61, and 67-81 is/are rejected.
- 7) ☒ Claim(s) 59 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 10, 11-14, 49-56 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al. (US 5229764) in view of Bogosian, Jr (US 5513272).

With respect to claims 1, 2, 10, 11-14, 49-56 and 60 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 4).

3. Claims 7-9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al. (US 5229764) in view of Bogosian (US 5513272) and further in view of Applicant's admitted prior art.

With respect to claims 7-9, 20 and 21 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 4).

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4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al. (US 5229764) in view Bogosian (US 5513272) and further in view of Bidiville et al. (US 5703356).

With respect to claims 15-19 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 4).

5. Claim 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al. (US 5229764) in view Bogosian (US 5513272) and further in view of O'Connor et al. (US 5838306).

With respect to claims 22-24 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 4).

Claims 61, 67-70, 71-78 and 79-81 are rejected as claims 1-24 and 49-60, because claims 61, 67-70, 71-78 and 79-81 are claiming similar subject matter as claims 1-24 and 49-60.

6. Claims 57 and 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al. (US 5229764) in view Bogosian (US 5513272) and further in view of Axelrod et al (US 5337358).

With respect to claims 57-58 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 4).

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*Allowable Subject Matter*

7. Claim 59 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. In the amendment filed on 10/09/2001, applicant argued that:

a. The references fail to suggest an authorization profile and also applicant gave a definition of the authorization profile, (see page 5, section D1). Examiner would like to point out that claim language is given its broadest reasonable interpretation. And, the specification is not measure of invention. The claim 1 did not include the definition of the authorization profile. Also, Bogosian reference does authenticate the individuals for a use of an ATM, the use of the ATM is restricted to the specific users i.e. the users with the authorization profile stored, (see figure 1).

b. The references fail to suggest a audit log for storing the user identification information and attempted transaction information in response to a denial of access to perform a specific transaction, (see page 8, paragraph 3). Examiner disagrees with the applicants arguments, because Bogosian in col. 5, lines 24-33, states that if a users fingerprints does not match “denial

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of' to the stored fingerprints the fingerprints will be stored, for the purpose of determining any criminal activity. Also, the recording of the fingerprint corresponds to the unsuccessful attempt i.e. "attempted transaction" as claimed.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is (703) 305-4510.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

(703) 308-5393 (for informal or draft communications, such as proposed amendments to be discussed at an interview, please label "PROPOSED " or "DRAFT")

or hand-carried to:

Crystal Park Two,

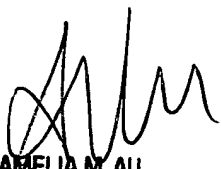
2121 Crystal Drive,

Arlington, VA.

Sixth Floor (Receptionist).

vb

December 28, 2001

  
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